

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Consolidated Civil Action**

RALEIGH WAKE CITIZENS
ASSOCIATION, et al.

Plaintiffs,

v.

WAKE COUNTY BOARD
OF ELECTIONS,

Defendant.

No. 5:15-cv-156

CALLA WRIGHT, et al.,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA,
et al.,

Defendants.

No. 5:13-cv-607

**DECLARATION OF ALLISON J. RIGGS IN SUPPORT OF PLAINTIFFS' BILL OF
TAXABLE COSTS**

I, Allison J. Riggs, declare under penalty of perjury that the following is true and correct:

1. I am over the age of 18 years and competent to testify herein. I have personal knowledge of the matters stated herein. I submit this declaration in support of Plaintiffs' Bill of

Taxable Costs submitted pursuant to Rule 54(d) of the Federal Rules of Civil Procedure, 28 U.S.C. § 1920, and Local Rule 54.1 of the Eastern District of North Carolina.¹

2. I am a senior staff attorney at the Southern Coalition for Social Justice in Durham, NC.
My organization was retained to represent Plaintiffs in above-titled actions.
3. Plaintiffs seek recovery of \$9,057.68 in taxable costs reasonably and necessarily incurred in the prosecution of this case.
4. The Fourth Circuit Court of Appeals has already added appellate taxable costs in the amount \$2,689.00 to the mandate issued in these consolidated cases.
5. The following chart, which summarizes Plaintiffs' taxable costs, is taken from contemporaneous, documented expense records regularly prepared and maintained by the Southern Coalition for Social Justice in the regular course of business.

	Category of Expense/Cost	Date	Vendor/Recipient	Amount	Appendix Containing Expense Documentation
1	Filing Fee	8/22/2013	EDNC Clerk	\$400.00	
2	Appeal Fee (not awarded in 4 th Cir. Mandate)	4/7/2014	EDNC Clerk	\$5.00	
3	Filing Fee	4/7/2015	EDNC Clerk	\$400.00	
4	Transcription/Copy of 4/17/13 hearing on SB 325; Transcription/Copy of 3/5/15 hearing on SB 181; Transcription/Copy of 3/10/15 hearing on SB 181	11/18/2015 (paid 1/31/16)	Discovery Depositions	\$1,041.75	A
5	Transcription/Copy of 6/10/13 hearing on SB 325; Transcription/Copy	11/4/2015 (paid 1/31/16)	Discovery Depositions	\$1,738.08	B

¹ Pursuant to the direction of Local Rule 54.1(a)(1), Plaintiffs are separately filing a motion for attorneys' fees and for costs non-taxable herein.

	of 4/1/15; Transcription/Copy of 4/1/15 hearing on SB 181; Transcription/Copy of 3/12/15 hearing on SB 181; Transcription/Copy of 4/22/13 hearing on SB 325; Transcription/Copy of 3/11/15 hearing on SB 181				
6	Trial Transcript	2/4/2016	David Collier, Court Reporter	\$1,668.05	C
7	Appeal Fee (not awarded in 4 th Cir. Mandate)	3/14/2016	EDNC Clerk	\$5.00	
8	Appeal Fee (not awarded in 4 th Cir. Mandate)	3/14/2016	EDNC Clerk	\$5.00	
9	Transcript from RWCA/Wright Remedy Hearing	8/2/2016	Huseby	\$4,970.99	D
10	Appellate Taxable Costs Awarded in 4 th Cir. Mandate	9/6/12	4 th Circuit Court of Appeals Clerk	\$2,689.80	E

6. I personally prepared Appendices A through E based upon a review of contemporaneous expense records maintained by the Southern Coalition for Social Justice, and believe them to be true and correct. Except for fees paid to the court, each appendix contains not only the invoice for the cost incurred, but proof of payment by the Southern Coalition for Social Justice. I further certify that the expenses and costs incurred were necessarily incurred in the preparation and presentation of the case.
7. Specifically, in regards to each of the expense/cost entries in the chart above, I provide the additional explanation of the costs:

- a. Entry 1 is the filing fee incurred for filing the complaint in *Wright et al., v. State of North Carolina, et al.*, Case No. 5:13-cv-607 (E.D.N.C.) on August 22, 2013.
- b. Entry 2 is the appeal fee, minus the amount award via the bill for appellate taxable costs, incurred for the filing of the notice of appeal from the District Court's 12(b)(6) dismissal of *Wright et al., v. State of North Carolina, et al.*, Case No. 5:13-cv-607.
- c. Entry 3 is the filing fee incurred for filing the complaint in *Raleigh Wake Citizens Ass'n et al., v. Wake County Bd. of Elections, et al.*, ("RWCA") Case No. 5:15-cv-607 (E.D.N.C.) on April 7, 2015.
- d. Entries 4 and 5 are the fees incurred from having publicly available audio files transcribed and a single copy of each of those transcripts obtained for each of the committee and floor hearings on the two bills challenged in this litigation. These were necessary for the development of the case, preparation of witnesses, and were used as trial exhibits.
- e. Entry 6 is the fee incurred for obtaining transcripts of the three-day trial held in the above-captioned consolidated matters. The transcript was obtained from David J. Collier, court reporter for the U.S. District Court for the Eastern District of North Carolina. Only an electronic version of the transcript was ordered, and the order was not expedited. The procurement of the transcript was necessary for the appeal.
- f. Entry 7 is the appeal fee, minus the amount award via the bill for appellate taxable costs, incurred for the filing of the notice of appeal from the District Court's entry

of judgment against plaintiffs in *RWCA et al., v. Wake County Bd. of Elections*, Case No. 5:15-cv-156.

- g. Entry 8 is the appeal fee, minus the amount award via the bill for appellate taxable costs, incurred for the filing of the notice of appeal from the District Court's entry of judgment against plaintiffs in *Wright et al., v. State of North Carolina, et al.*, Case No. 5:13-cv-607.
- h. Entry 9 is the fee incurred for obtaining transcripts of the remedy hearing held in the above-captioned consolidated matters. The transcript was obtained from Huseby, whose reporter was serving as court reporter for the U.S. District Court for the Eastern District of North Carolina that day. Only an electronic version of the transcript was ordered, and the order was not expedited. The procurement of the transcript was necessary for briefing on remedy.
- i. Entry 10 is order granting appellate taxable costs and add those costs to the mandate in *RWCA, et al., v. Wake County Bd. of Elections*, Case No. 16-1270 (L) (4th Cir.).

Pursuant to local rules, a memorandum in support of the Bill for Taxable Costs is being submitted with the Bill and my declaration. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: November 23, 2016.

/s/ Allison J. Riggs

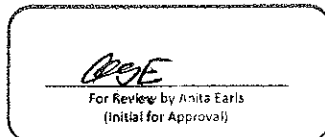
Allison J. Riggs
N.C. State Bar No. 40028
Southern Coalition for Social Justice
1415 West Highway 54, Suite 101

Durham, NC 27707
Telephone: 919-323-3380
Fax: 919-323-3942
Allison@southerncoalition.org

Appendix A

INVOICE

Discovery Court Reporters and Legal Videographers,
LLC
4208 Six Forks Road
Suite 1000
Raleigh, NC 27609
Phone: 919-424-8242 Fax: 919-570-1569



Allison J. Riggs, Esq.
Southern Coalition for Social Justice
1415 Highway 54
Suite 101
Durham, NC 27707

Invoice No.	Invoice Date	Job No.
107552	12/8/2015	43144
Job Date	Case No.	
11/18/2015		
Case Name		
NC Legislative Transcription		
Payment Terms		
Due upon receipt		

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:

Senate Redistricting Committee Hearing SB 325 - April 17, 2013
Hourly

43.00 Pages 270.90
4.25 Hours 191.25

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:

Senate Redistricting Committee Hearing SB 181 - March 5, 2015

30.00 Pages 189.00

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:

Senate Redistricting Committee Hearing SB 181 - March 10, 2015

62.00 Pages 390.60

TOTAL DUE >>> \$1,041.75

AFTER 1/7/2016 PAY \$1,145.93

We appreciate your business. Thank you!

We accept Visa, Mastercard and AmericanExpress with a 3.5% processing fee.

(-) Payments/Credits: 0.00

(+) Finance Charges/Debits: 104.18

(=) New Balance: 1,145.93

Tax ID: 35-2480397

Phone: 919-323-3380 Fax: 919-323-3942

Please detach bottom portion and return with payment.

Discovery Court Reporters				1/31/2016		
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/17/2015	Bill	107476	1,911.89	1,911.89		1,911.89
12/8/2015	Bill	107552	1,145.93	1,145.93		1,145.93
				Check Amount		3,057.82

Bank of NC - Checkin

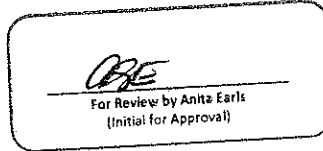
3,057.82

Wake Candy

Appendix B

INVOICE

Discovery Court Reporters and Legal Videographers,
LLC
4208 Six Forks Road
Suite 1000
Raleigh, NC 27609
Phone: 919-424-8242 Fax: 919-570-1569



Allison J. Riggs, Esq.
Southern Coalition for Social Justice
1415 Highway 54
Suite 101
Durham, NC 27707

Invoice No.	Invoice Date	Job No.
107476	11/17/2015	43119
Job Date	Case No.	
11/4/2015		
Case Name		
NC Legislative Transcription		
Payment Terms		
Due upon receipt		

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:		
Senate Bill 325 - June 10, 2013	58.00 Pages	365.40
8 Day Expedite		109.62
Hourly	5.50 Hours	247.50
ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:		
Senate Bill 181 - April 1, 2015	37.00 Pages	233.10
8 Day Expedite		69.93
ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:		
Senate Bill 181 - March 12, 2015	4.00 Pages	25.20
8 Day Expedite		7.56
ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:		
Senate Bill 325 - April 22, 2013	28.00 Pages	176.40
8 Day Expedite		52.92
ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:		
Senate Bill 181 - March 11, 2015	55.00 Pages	346.50
8 Day Expedite		103.95
TOTAL DUE >>>		\$1,738.08
AFTER 12/17/2015 PAY		\$1,911.89

Tax ID: 35-2480397

Phone: 919-323-3380 Fax: 919-323-3942

Please detach bottom portion and return with payment.

11-11-15 3:10 PM 11-11-15 3:10 PM 11-11-15 3:10 PM

Discovery Court Reporters			1/31/2016			
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/17/2015	Bill	107476	1,911.89	1,911.89		1,911.89
12/8/2015	Bill	107552	1,145.93	1,145.93		1,145.93
				Check Amount		3,057.82

Bank of NC - Checkin

3,057.82

Wake County

Appendix C

UNITED STATES DISTRICT COURTfor the
Eastern District of North Carolina**INVOICE**NUMBER
0160TO: Allison J. Riggs
Southern Coalition for Social Justice
1415 West Highway 54, Suite 101
Durham, NC 27707

PHONE: (919) 856-4896

FAX: _____

MAKE CHECK PAYABLE TO:David Collier
U.S. District Court, 413 Middle Street
New Bern, NC 28560

PHONE: (440) 525-3855

TRANSCRIPTS

CRIMINAL



CIVIL

DATE ORDERED

12/18/2015

DATE DELIVERED

02/03/2016

IN THE MATTER OF (CASE NUMBER AND TITLE)

Raleigh Wake Citizens Assn, et al. v. Wake County Board of Elections Case No. 5:15-CV-00156

CHARGES

CATEGORY	ORIGINAL			1 ST COPY			ADDITIONAL COPIES			TOTAL CHARGES
	PAGES	PRICE @	SUB TOTAL	PAGES	PRICE @	SUB TOTAL	PAGES	PRICE @	SUB TOTAL	
Ordinary	457	3.65	1,668.05			0.00			0.00	1,668.05
14-Day			0.00			0.00			0.00	0.00
Expedited			0.00			0.00			0.00	0.00
Daily			0.00			0.00			0.00	0.00
Hourly			0.00			0.00			0.00	0.00
Realtime			0.00			0.00				0.00
For proceedings on (Date): 12/21/2015						TOTAL				1,668.05
						LESS DISCOUNT FOR LATE DELIVERY				
						ADD AMOUNT OF DEPOSIT				
						AMOUNT DUE (OR REFUND)				1,668.05

ADDITIONAL INFORMATION

Full price may be changed only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within (7) calendar days, payment would be at the 14-day *delivery* rate, and if not completed and delivered within 14 days, payment would be at the ordinary delivery rate.

CERTIFICATION

I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.

SIGNATURE OF OFFICIAL COURT REPORTER

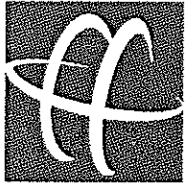
/S/ David J. Collier

DATE

02/03/2016

DISTRIBUTION: TO PARTY (2 copies - 1 to be returned with payment) COURT REPORTER COURT REPORTER SUPERVISOR

Appendix D



Huseby.com

Corporate Headquarters
1230 West Morehead St., Suite 408
Charlotte, NC 28208
Questions? Call (800) 333-2082

Anita Earls, Esq.
Southern Coalition for Social Justice
1415 West Highway 54
Suite 101
Durham, NC 27707

INVOICE

Invoice No.	Invoice Date	Job No.
152348	8/5/2016	132105
Job Date	Case No.	
8/2/2016		
Case Name		
Raleigh Wake Citizens Association et al vs. Barefoot, et al.		
Payment Terms		
Due upon receipt, after 30 days 1.5% fee		

ORIGINAL TRANSCRIPT OF:

Hearing

1,105.00

TOTAL DUE >>>

\$1,105.00

Expedite

Thank you for choosing Huseby!

Effective June 1, 2016 a finance charge of 1.5% per month will be applied to past due balances over 30 days from original invoice date.

Schedule with us anywhere nationally today! To learn more about the services and technology we provide for both depositions and trial, visit us online at www.huseby.com.

Tax ID: 31-1763752

Phone: 919-323-3942 Fax:

Please detach bottom portion and return with payment.

Anita Earls, Esq.
Southern Coalition for Social Justice
1415 West Highway 54
Suite 101
Durham, NC 27707

Job No. : 132105 BU ID : 1-MAIN
Case No. :
Case Name : Raleigh Wake Citizens Association et al vs.
Barefoot, et al.
Invoice No. : 152348 Invoice Date : 8/5/2016
Total Due : \$ 1,105.00

Remit To: **Huseby, Inc.**
P.O. Box 602928
Charlotte, NC 28260-2928

PAYMENT WITH CREDIT CARD



A 3% fee will be added to the 'Amount to Charge' to offset our processing costs

Cardholder's Name: _____

Card Number: _____

Exp. Date: _____

Phone#: _____

Billing Address: _____

Zip: _____

Card Security Code: _____

Amount to Charge: _____

Cardholder's Signature: _____

Huseby.com

8/26/2016

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
8/5/2016	Bill	152348	1,105.00	1,105.00		1,105.00
				Check Amount		1,105.00

Bank of NC - Checkin Job No. 132105

1,105.00

Appendix E

FILED: September 6, 2016

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1270 (L)
(5:15-cv-00156-D)

RALEIGH WAKE CITIZENS ASSOCIATION; JANNET B. BARNES;
BEVERLEY S. CLARK; WILLIAM B. CLIFFORD; BRIAN FITZSIMMONS;
GREG FLYNN; DUSTIN MATTHEW INGALLS; AMY T. LEE; ERWIN
PORTMAN; SUSAN PORTMAN; JANE ROGERS; BARBARA
VANDENBERGH; JOHN G. VANDENBERGH; AMYGAYLE L. WOMBLE;
PERRY WOODS

Plaintiffs - Appellants

v.

WAKE COUNTY BOARD OF ELECTIONS

Defendant - Appellee

and

CHAD BAREFOOT, in his official capacity as Senator and primary sponsor of SB
181; PHILLIP E. BERGER, in his official capacity as President Pro Tempore of
the North Carolina Senate; TIM MOORE, in his official capacity as Speaker of the
North Carolina House of Representatives

Defendants

O R D E R

Costs for these proceedings are taxed and certified in the amount of

\$2689.80, as itemized in the accompanying bill of costs. The costs taxed shall be added to this court's mandate in accordance with Fed. R. App. P. 39(d).

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT BILL OF COSTS FORM

Directions: Counsel for a prevailing party seeking costs must file this (or like) form within 14 days after entry of judgment. The docketing fee (if the appellant prevails) of \$450 if filed prior to 12/01/13 or \$500 if filed after 12/01/13 and the cost of copying formal briefs and appendices are the only costs taxable in the court of appeals. Local Rule 39(a). Enter costs for any docketing fee paid and any briefs or appendices filed and served in the spaces provided. The number of copies required for filing and service can be found in Local Rules 30(b) & 31(d) and Standing Order 14-01. Any objections to costs must be filed within 14 days (plus 3 days for electronic service) of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Limit on Brief/Appendix Copy Costs: (number of pages) x (number of required filing & service copies) x (\$.15/ page)

Case Number & Caption: RWCA et al. v. Wake County Bd. of Elections, No. 16-1270, 16-1271, 14-1329

Prevailing Party Requesting Taxation of Costs: Raleigh Wake Citizens Association, et al.

Docketing Fee: May be claimed by inserting \$450 or \$500 at right (\$5 filing fee must be claimed in district court)				Charge: <u>1500.00</u>
Brief filed on: <u>05/27/14</u>	No. of Pages: <u>115</u>	x No. of Copies: <u>10</u>	x \$.15/page	Charge: <u>172.50</u>
Brief filed on: <u>07/18/14</u>	No. of Pages: <u>37</u>	x No. of Copies: <u>10</u>	x \$.15/page	Charge: <u>55.50</u>
Brief filed on: <u>04/19/16</u>	No. of Pages: <u>110</u>	x No. of Copies: <u>4</u>	x \$.15/page	Charge: <u>66.00</u>
Brief filed on: <u>04/29/16</u>	No. of Pages: <u>39</u>	x No. of Copies: <u>4</u>	x \$.15/page	Charge: <u>23.40</u>
Appendix filed on: <u>05/27/14</u>	No. of Pages: <u>100</u>	x No. of Copies: <u>10</u>	x \$.15/page	Charge: <u>150.00</u>
Appendix filed on: <u>04/19/16</u>	No. of Pages: <u>1204</u>	x No. of Copies: <u>4</u>	x \$.15/page	Charge: <u>722.40</u>
TOTAL AMOUNT CLAIMED IN BILL OF COSTS				\$2,689.80

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than \$.15 per copy or, if less, I have reduced the amount charged to the lesser rate.
2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 or other statutory authority permits an award of costs in this case.
3. I declare under penalty of perjury that the foregoing costs are true and correct and were necessarily incurred in this action.

Signature: /s/ Allison J. Riggs **Date:** 08/17/16

Certificate of Service

I certify that on this date I served this document as follows:

This document was served today on all counsel who filed a notice of appearance in Case No. 16-1270 or any of the consolidated cases, via this Court's electronic filing system.

Signature: /s/ Allison J. Riggs **Date:** 08/17/16